

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 15, 17, 19-21, 24-27, 30, 31, 33-35 and 37-41 were previously presented and remain pending in the application. Claims 15, 20, 24, 25, 30, 33 and 38-40 have been amended.

§101 REJECTION

Claims 15, 30 and 33 were rejected under 35 U.S.C. §101 for not falling within one of four statutory categories of invention. Specifically, the examiner indicates that the claimed invention must be (1) tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. Applicants have amended claim 15 to recite, “A method for a base station to transmit allocation information...” Furthermore, Applicants have amended claims 30 and 33 to recite, “A method for a base station to generate downlink frame...” The support for these amendments can be found throughout the Specification. Applicant submits that no new matter has been introduced and no new significant issues have been raised by this Amendment. Thus, Applicants, hereby, submit that claims 15, 30 and 33, as amended, overcome the §101 rejection and should be allowed.

CONCLUSION

In view of the preceding arguments, Applicant respectfully believes that the OFDMA communication system of the present application is in condition for allowance. Thus, withdrawal of the outstanding rejection and allowance of the pending claims is respectfully requested.

All objections and rejections have been addressed. It is respectfully submitted that the present application is in condition for allowance and a Notice of Allowance is earnestly solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP

Yoon S. Ham
Registration No. 45,307

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: 2/3/2009
YSH/MK/ser